

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Charles T. Thomas,	)	C/A No.: 0:14-814-JFA
	)	
Plaintiff,	)	
vs.	)	ORDER
	)	
Lewis Law Firm; and Grady E. McMahan,	)	
	)	
Defendants.	)	
	)	

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On May 9, 2014, this court dismissed the plaintiff's complaint without prejudice and without issuance and service of process. The court adopted the Magistrate Judge's Report and Recommendation which suggested dismissal of the plaintiff's legal malpractice and fraud claims for lack of jurisdiction in this court. The plaintiff has now moved, post-judgment, for reimbursement of his \$350 filing fee.

When the plaintiff initially filed his complaint, he submitted an application to appear *in forma pauperis*. However, the plaintiff also paid the \$350 filing fee. Therefore, 28 U.S.C. § 1915(e)(2) (which allows *sua sponte* dismissal of complaints that fail to state a claim) became inapplicable. However, because the plaintiff is a state prisoner, he was subject to the screening provisions of 28 U.S.C. § 1915A.

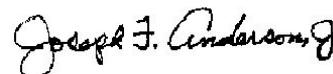
In any event, § 1915 does not contemplate that the clerk will refund a filing fee to a losing plaintiff. *See Bell v. Clark*, 194 F.3d 781 (7th Cir. 1999) (finding that there is no refund of a filing fee just because a party is dissatisfied with the outcome of his quest, even

where the merits were not considered).

For the reasons stated herein, plaintiff's motion for a refund of his filing fee (ECF No. 25) is denied.

IT IS SO ORDERED.

June 20, 2014  
Columbia, South Carolina



Joseph F. Anderson, Jr.  
United States District Judge